

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Carmichael (U.S. Pat. No. 6,126,662). The bone implant of Carmichael contains a cannulated outer screw (14) that engages the headless retaining screw (20) the screw portion containing threads (252) is headless, with a pin base, and is engaged within the threads of the cannulated outer screw, while the threaded outer body (12) is fully capable of securing, engaging and locking onto an intramedullary nail to immobilize the nail.

As explained below, Applicant respectfully submits that the Examiner is misinterpreting the disclosure in Carmichael.

The Examiner states that Carmichael contains a cannulated outer screw (14). Webster's dictionary defined "cannular" as "tubular." See Webster's Ninth New Collegiate Dictionary. The outer screw referred to in Claim 2 of the present application is tubular. (See Figures 3 and 4) Item 14 in Carmichael is illustrated in Figure 4 and described at Column 5, Line 14. Neither Figure 4 nor the description in Carmichael indicate that the Screw (14) is cannulated or tubular. In fact, Figure 4 in Carmichael indicates that the screw (14) is solid, not tubular. The only hollow portion of Item 14 in Carmichael is Item 94 at the top which is used for inserting a tool therein. Thus, there is no teaching in Carmichael to support the Examiner's claim that the screw (14) is cannulated.

The Examiner claims that Item 14 "engages the headless retaining screw 20." Item 20 in Carmichael is illustrated in Figure 6 and described at Column 6, line 50 et. seq. There is no

description or illustration indicating that Item 14 engages item 20 in Carmichael at all yet alone in the manner described by the Examiner in the Office Action.

Applicant respectfully requests reconsideration of the pending rejection in light of the above explanation. It does not appear that there is any basis in Carmichael for the rejection of Claim 2 under 35 U.S.C. §102(b). Applicant requests that the Examiner withdraw the pending rejection and allow Claim 2.

Respectfully Submitted,
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